

STAFF REPORT & FINDINGS
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT
Planning Commission
Exhibit "A"

Public Hearing Date: February 10, 2015 **Planner:** Wendy FarleyCampbell
Continued from October 28, 2014, November 10, 2014, and
January 13, 2015
Date of Report: February 5, 2015 (revised from October 21, 2014)
Application: PC 14 16 DR 01

I. PROPOSAL DESCRIPTION

Proposal: An application for a design review for a 24 unit multi-family residential development in six buildings.

Applicant: Jerry Prater Construction

Property Owner: Jerry Prater Construction

Location: West half block east of Ivy St. between 11th and 12th Sts. & southeast ¼ block west of Ivy St. between 11th and 12th Sts.

Site: Map # 18-12-27-42 Tax Lots 300, 400, & 500

Comprehensive Plan Map Designation: Professional Office/Institutional District & Medium Density

Zone Map Classification: Professional Office/Institutional Zoning District (POI), Multiple Family District (MF) and Public Use Airport Zone (PUA)

Surrounding Land Use/Zoning:

Site: vacant / POI, MF & PUA

North: multi-family residences, 12th St. Bike Path & single family residences (Park Village) / POI, Open Space & Single Family Residential District

South: vacant / POI & MF

East: vacant / MF, Open Space & PUA

West: multi-family residences (Whispering Pines Phase 1 & Phase 2 north) / POI & Open Space

Streets/ Classification:

West—Hemlock St./Local, developed; North—12th St./Local, developed w/bike path; East—Ivy & Juniper / Local, unimproved for vehicular, Ivy to be improved with bike path, South—11th St./Local, undeveloped

II. NARRATIVE:

In October 2014 the applicant originally submitted application for a design review for 24 units to be located in Phase 3, the remaining undeveloped portion of Phase 2, and an addition to Phase 2 of Whispering Pines. Whispering Pines was approved in 2004 under resolution PC 04-07-27-21. After approval the applicant started construction of Phases 1 & 2. The approval expired in 2009 with 24 of the original 44 approved units constructed. Since expiration the applicant purchased tax lot 500 adjoining the southern portion of undeveloped Phase 2.

Whispering Pines was registered by the applicant with the state Real Estate Agency as a condominium development. The city does not have specific criteria related to condominiums and their unique ownership and management. The city reviews criteria related to development design. The applicant who is also the declarant with the home owners association changed the application due to the irreconcilable management and legal issues with the unit owners and the state. He altered that application to not be included as part of the Whispering Pines development. The properties are therefore reviewed as a stand-alone development, Jerry Prater Apartment Development, and do not rely on the previous approval to meet standards.

For background the HOA issues are discussed. After seven years Phases 2 and 3 expired under Oregon Revised Statutes 100. This creates a situation where vehicular access through Phases 2 and 1 would not be available except through an easement. However, the applicant retains ownership of the property even though he no longer retains administrative control of the home owners association. The applicant attempted to turn over the common areas to the unit owners but did not succeed due to the unit owners' concern for meeting the state regulations related to financing. However, because the Mr. Prater retains ownership of the common areas, specifically the driveway he has legal access to his lots through Phases 1 and 2. The recorded CCRs state the applicant has legal access through the development. The city has been advised that the underlying issues are a private legal matter rather than having to do with land use design review policies and they rest with the state or the courts to address and remedy.

III. NOTICES & REFERRALS:

Notice: Notice was sent to surrounding property owners within 100 feet of the property and a sign was posted on the property on October 2, 2014. Notice was published in the Siuslaw News on October 22, 2014.

Patricia Reno, correspondence dated October 15, 2014, October 28, 2014, and November 7, 2014 submitted testimony on the unsettled administrative and financial issues of Whispering Pines discussed in the narrative. She provided the state policy and correspondence from the state regarding some of the issues.

Zach Mittge, 400 Woolworth Building, 940 Willamette Street, Eugene, OR, November 7, 2014; representing Patricia Reno stated the following: the expired proposal cannot be added to according to state law, violation of the Comprehensive Plan-High Density in a Medium Density development, and lack of the applicant to provide the documents/information in accordance with 10-21-2-6.

Greg Freeze, 244 Maple St., Florence, OR, November 7, 2014 and January 6, 2015, submitted testimony waiving his client's right to a decision within 120-days, requesting continuance, revising the proposal to Jerry Prater Apartments, Inc., debating the comprehensive plan designation inconsistency, status with the their FAA approval and dis-satisfaction with the requirement to develop the Ivy St. pedestrian path.

Referrals: Referrals were sent to the Florence Building Department, Florence Police Department, Florence Public Works, Siuslaw Valley Fire and Rescue, Central Lincoln PUD, and Charter Communications.

Sean Barrett, Fire Marshal for Siuslaw Valley Fire and Rescue, October 3, 2014 submitted testimony asking the applicant confirm there is enough water flow and that all new buildings must meet new building code requiring sprinklers for multi-family residences. **(Informational 1)**

Mike Miller, Public Works Director, September 9, 2014 and February 3, 2015 submitted review notes to the proposed utility plan, comments on the proposed parking encroachments into the right-of-way, and construction detail guide for the Ivy St. pedestrian path.

IV. APPLICABLE REVIEW CRITERIA

Florence City Code (FCC) Title

Title 10--

Chapter 1: Zoning Administration, Section 1-5

Chapter 3: Off-Street Parking and Loading, Sections 2 through 5, and 8 through 10

Chapter 6: Design Review, Section 5

Chapter 13: Multi-Family Residential District, Sections 2, and 4 through 5

Chapter 25: Professional Office/Institutional Zoning District, Sections 2 through 5

Chapter 34: Landscaping, Sections 3 and 5

Chapter 35: Access and Circulation, Sections 2 and 3

Chapter 36: Public Facilities, Sections 2, 3, and 5

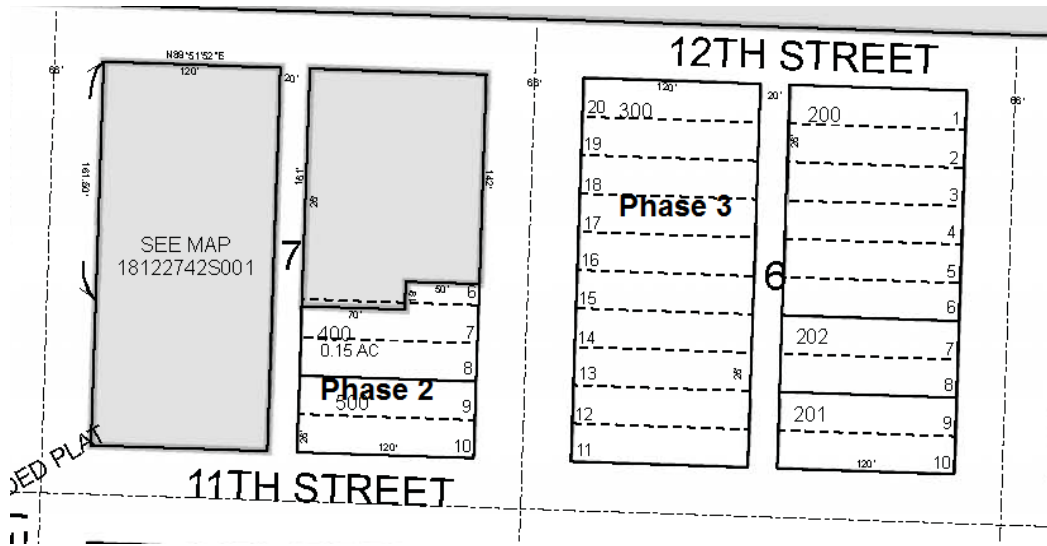
Realization 2020 Florence Comprehensive Plan:

Chapter 2: Lane Use

Chapter 12: Transportation, Policies 7, 8, 11, and 27

V. FINDINGS OF FACT

This project is identified interchangeably throughout the findings as Blocks 6 & 7 and Phases 3 & 2 respectively. The exhibits were not modified with the change in application and continue to identify the project as Phases 2 & 3. The project is however not part of the Whispering Pines development. The illustration below attempts to illustrate those references.



FCC TITLE 10: CHAPTER 13, MULTI-FAMILY DISTRICT

10-13-2: PERMITTED BUILDINGS AND USES:

Multiple-family dwellings, including townhouses, apartments, clusters and condominiums.

The project consists of six multi-family buildings with 4 units in each. Four of the six buildings are in the Multi-Family District. Those four meet the above use criteria.

10-13-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, an existing lot must be at least fifty feet wide and at least eighty feet in depth (50' x 80'). For new subdivisions and newly platted lots, the minimum width shall be sixty five feet and the depth shall be eighty feet (65' x 80').

The project is proposed within Blocks 6 & 7 of the "Amended Plat of the Chicago Addition to Florence". The lots are oriented west to east and include lots 6, 7, 8, 9, & 10 of Block 7 and Lots 11-20 of Block 6. The project area of Block 6 is 120' by 260' and is bordered by 12th, 11th and Ivy Sts., none of which are developed with streets. The lots of Block 7 included in this project are 120' by 130' bordering on Ivy and 11th Sts. The

Block 7 lots are located within the Professional Office Institutional District. All lots are reviewed here for cohesion.

The Comprehensive Plan outlines that 12th and Ivy Sts. will be developed with pedestrian paths. The comprehensive plan identifies 11th St. to not be developed for vehicular access due to topographical situations. Florence City Code Title 10 defines the front of the lot as the narrowest length along a street frontage. In this rare situation there are no actual or proposed abutting streets rather rights-of-way within which pedestrian paths are or will be constructed. The narrowest frontages are along 12th and 11th Sts. for the portion of the project within Block 6 and 11th St. for the portion of the project within Block 7. Staff finds that the Block 6 lot meets the minimum lot width of 50' as both the 12th and 11th St. frontages exceed the minimum 50' width.

B. Minimum Lot Area: To be designated a building site, an existing lot must be comprised of at least six thousand (6,000) square feet. For new subdivisions and newly platted lots, the minimum square feet shall be six thousand five hundred (6,500).

The project lots in Block 6 are located in the Multi-Family District and comprise 31,200 sq. ft. The lots in Block 7 are located in the Professional Office Institutional District and comprise 15,600 sq. ft. Staff finds that Block 6 meets the minimum lot area of 6,000 sq. ft.

C. Lot Coverage:

For multiple-family dwellings and other uses, the maximum coverage by all enclosed buildings shall not exceed fifty percent (50%) of the lot area. The maximum coverage by all storage structures, driveways, parking spaces and surfaced area shall not exceed seventy five percent (75%) of the lot area.

Staff finds that the application meets this criterion. Block 6 lots (31,200 sq. ft.) have a building coverage of 10,688 sq. ft. or 34% and other impervious surface coverage is 40%. The total impervious coverage is 74%, less than the 50 and 75% maximum building and lot coverages.

Block 7 lots (15,600 sq. ft.) have a building coverage of 5,344 sq. ft. or 34% and other impervious surface coverage is 40%. The total impervious coverage is 74%.

D. Yard Regulations:

2. For multiple-family dwellings and other uses, the front, side and rear setback shall be five feet (5'). When a multiple use adjoins a single-family use, the multiple use shall be set back from all lot lines one additional foot for each foot of height over twenty eight feet (28'), except that the required setback shall not exceed twenty feet (20') from any lot line.

There are no single-family abutting uses. The buildings located in Block 6 have 10', 10' 10' and 15' setbacks from 12th St., the eastern alley, 11th St., and Ivy St., respectively. All setbacks either meet or exceed the criterion. The above criterion is met.

The buildings located in Block 7 have 5', 10', 20', and 42.5' setbacks from the western alley, 11th St., Ivy St., and interior lots lines respectively.

10-13-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations

Residential Buildings: The maximum building or structural height shall be twenty eight feet (28').

Staff finds that the application meets this criterion. The elevations indicate a finished building height of 23 ft.

B. Separation Between Buildings: The minimum separation between multiple-family buildings shall be thirty feet (30') unless the buildings are arranged end to end. In such a case, there shall be at least a ten foot (10') separation and no doorway or entry may open into the space between the buildings.

The buildings are arranged in a "U" shape with the living units situated opposite on another and the storage building at the apex. The center of the "U" is approximately 20' wide. The center of the "U" is constructed with a landscaped courtyard. No doorway or entry opens into the 5' space between the storage building and the dwelling building. Staff finds the garden apartment design in keeping the layout of the 3 prior phases constructed as Whispering Pines.

C. Fences: See Chapter 10-34-5 of this Title.

No fences are proposed or required.

D. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition, and requirements.

Vision Clearance areas are not affected by this proposal.

E. Off-Street Parking: Refer to Chapter 3 of this Title (Off- Street Parking and Loading).

Florence City Code (FCC) Title 3, "Off-Street Parking and Loading," outlines the minimum number of parking spaces per use.

FCC TITLE 10: CHAPTER 3, OFF-STREET PARKING AND LOADING

10-3-4: MINIMUM REQUIRED PARKING BY USE: During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Design Review Board a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Design Review Board and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces.

Multiple family dwellings shall provide 1 and ½ spaces parking spaces for each 2-bedroom unit. Each of the buildings has four 2-bedroom units. Each building therefore requires 6 spaces, for a total of 36 spaces required for the Jerry Prater Apartment Development. The applicant meets the number of vehicular spaces criteria.

10-3-5: VEHICLE PARKING - MINIMUM ACCESSIBLE PARKING:

- A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting off-street parking requirements in Table 10-3-1;**
- B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;**
- C. Accessible spaces shall be grouped in pairs where possible;**
- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;**
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.**

Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)				
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle	
1 to 25	1	1	0	

*vans and cars may share access aisles
**one out of every 8 accessible spaces
***7 out of every 8 accessible parking spaces

This section outlines the minimum required ADA accessible parking spaces and associated design elements. The Jerry Prater Apartment Development consisting of 24 units and requires 2 of the 36 spaces be ADA compliant. The applicant has provided 2 ADA parking spaces, one in Block 7 and the other in the southern portion of Block 6. The criterion is met.

10-3-8: PARKING AREA IMPROVEMENT STANDARDS: Private parking areas, loading areas shall be improved according to the following: All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, cement concrete, porous concrete, porous asphalt, permeable pavers such as turf, concrete, brick pavers or other materials approved by the City. Driveways aprons shall be paved for the first fifty feet (50') from the street.

The site plan illustrates that all of the parking spaces and driveways will be asphaltic paving meeting the improvement and apron criteria.

B: All parking areas except those required in conjunction with a single-family or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to storm sewers where available. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.

The grading plan on the utility plan illustrates that stormwater from the parking areas will grade toward the catch basins rather than across sidewalks. Approximately one foot of the Block 6 ADA access aisle is proposed to encroach into the Ivy Street right-of-way. Public Works Director Mike Miller has approved this concept with application and receipt of a Private Use of Public Right-Of-Way Permit. **(Condition 3)**

C: Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.

All of the parking spaces are located in the internal portion of the development. Other than the development's residential uses the parking spaces are not located to shine onto adjacent residential uses. As proposed this criterion is met.

D. Except for parking areas required in conjunction with a single-family or duplex dwelling, all parking areas shall provide:

1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph D2 of this subsection.

2. Except for places of ingress and egress, a five foot (5') landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Design Review Board may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.

The parking for Blocks is located in the interior of the development. Block 7 parking has one parking space abutting the Ivy St. right-of-way and another abutting the western alley right-of-way. Block 6 has four parking spaces abutting the Ivy St. and eastern alley rights-of-way. While the parking spaces abut rights-of-way they do not abut streets, therefore criterion 1 above is not applicable, unless required to protect the landscape buffer discussed next. Criterion 2 above requires a 5' landscape area where parking areas abut a right-of-way, excepting the ingress and egress areas. All parking areas are subject to this criterion and as proposed do not meet it. The Design Review Board may approve other landscape areas on the property in lieu of the required 5' landscape area if unfeasible due to previous design. The total required buffer area is 570 sq. ft. (19 linear ft. * 6 parking spaces * 5 ft. width). The site plan indicates an abundance of landscaping area, more than the minimum as reviewed later in the report. The applicant shall indicate and reserve 570 sq. ft. on the landscape plan not otherwise required to meet the landscape or open space requirements to meet the 5' landscape parking buffer requirement. **(Condition 4)**

E. No parking area shall extend into the public way except by agreement with the City.

Except the ADA aisle discussed in "B" above none of the proposed parking areas extend into either of the alleys or the Ivy St. right-of-way.

G: Lighting: (Lighting should provide a safe level of illumination and be designed as not to become a nuisance to residential area or cause glare to drivers.) Except for single family and duplex dwellings, applicants shall submit a lighting plan which shows the location, type and projected amount of light at night. The plan shall also address the following policies for design review. The following policies also apply to the replacement of lighting fixtures within parking lots.

1. Illumination: Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.

2. Glare: Light fixtures shall be directed downward. Direct glare and reflection shall be fully shielded to prevent lighting spillover into any adjacent residential district or use.

4. Times: Main lights shall be extinguished at closing of business with a minimum lighting remaining for security after hours.

5. Review Period. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of parking lots in and adjacent to residential districts or other sensitive land uses. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.

(Section G amended by Ord 9, 2008)

The site plan illustrates the lighting locations within each of the three courtyard common area entrances. The applicant provided lighting type and a photometric report. The parking lot lights are proposed to be box style directed downward and mounted 16' high like those used in previous phases. However, the photometric diagrams were created for a 30' mounting height. The illumination shall meet criterion 1 above. **(Condition 5).**

H. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.

The parking spaces back into the private drive. None of the proposed parking spaces require backward maneuvering into the Ivy St. right-of-way. Parking space 73 does not have adequate maneuvering area. The access aisle serving Block 6 shall extend into the alley a width and depth approved by the Public Works Director to permit sufficient maneuvering area. This encroachment shall be included in the Private Use of a Public right-of-way permit application. **(Condition 3)**

I. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.

Block 6 is zoned Professional Office which requires 20' street side and front yards, 15' side yards adjacent to a residential district and 0' for other side yards. The portion of the project located in Block 6 has an 11th St. front yard. Therefore, the side yards are located along the east and west sides of the lot. Neither side yard is located in the areas outlined above therefore there are no prohibitions to park in the side yard except as otherwise discussed.

Block 7 is zoned Multi-Family Residential which requires 5' side yards. Block 7 has either a 12th or 11th St. front yard. The side yards are therefore the east and west sides of the lot. Parking spaces 50 and 73 are located within the 5' side yard. Parking space 61 is located outside the 5' side yard area and the access aisle of ADA space 62 is located within the 5' western side yard area. The layout of the development was approved in 2005. Utilities have been placed and stubbed that make re-orientation of the site unreasonable. Staff finds this situation meets the "Unless otherwise provided" portion of the criterion.

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS:

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.;**
- B. Each space shall have double line striping with two feet (2') wide on center.**
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.**
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3;**
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.**

The site plan illustrates a 90 degree parking configuration measuring 19 ft. x 9.5 ft. each served by a 25 ft. wide access aisle. The proposed parking and maneuver areas meet the stall design and dimension criteria. ADA requirements are discussed above.

10-3-10: BICYCLE PARKING REQUIREMENTS: All new development that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.

- A. Minimum Size Space: Bicycle parking shall be on a two (2) feet by six (6) feet minimum.**
- B. Minimum Required Bicycle Parking Spaces. Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.**
- C. Long Term Parking. Long term bicycle parking requirements are only for new development of group living and multiple family uses (three or more units). The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building; Multifamily= 1 per 4 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.**
- D. Location and Design. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.**
- E. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;**
- F. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking.**
- H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Design Review Board**

or Community Development Director may waive or modify the bicycle parking requirements.

The applicant states in his letter dated October 1, 2014 that bicycle parking hardware will be provided within the storage unit spaces for each unit. If provided for each unit the amount of long-term parking required is exceeded. However, since the intent of the code is to provide all residents access to long term bicycle parking rack hardware is required for each dwelling unit. The parking as proposed meets and exceeds the above listed criteria.

FCC TITLE 10: CHAPTER 13, MULTI-FAMILY DISTRICT (CONTINUED)

F. Access and Circulation: Refer to Section 10-35 of this Title for requirements. Additionally, vehicle ingress or egress to a multiple-family dwelling shall not be allowed from less than a fifty foot (50') right of way and thirty two foot (32') paved street. Multiple-family dwellings shall not have vehicle access to and from a cul-de-sac.

The location and design of access and egress points for vehicles and pedestrians, are reviewed below under FCC 10-35.

FCC TITLE 10: CHAPTER 35, ACCESS AND CIRCULATION

10-35-2-7: Intersection Separation; Backing onto Public Streets. New and modified accesses shall conform to the following standards:

A: Separation Distance from Driveway to Pavement; Alley 15 ft., Local Street 25 feet.

B. Where the City finds that reducing the separation distance is warranted....

The internal driveway meets the 15' and 25' separation distances with the undeveloped intersections of the alleys and Ivy St. with 11th and 12th Sts.

C: Access to and from off-street parking areas shall be designed to prevent backing onto a public street.

This criterion is addressed in the FCC 10-3 parking review.

10-35-2-9: Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian and bicycle connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, trails or paths, must conform to the provisions in Section 10-35-3.

The eastern sidewalk ends in Block 6 shall continue to the eastern edge of the property to provide paved circulation for parking spaces 61 and 73. The Ivy St. turnaround shall include curb returns for the multi-use path and the garbage and recycling receptacles. ADA access shall be provided to the sidewalks abutting parking space aisles for spaces 49 and 62.

10-35-3: PEDESTRIAN ACCESS AND CIRCULATION: All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement.

10-35-3-1: Sidewalk Requirements.

A. Requirements: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:

1. Upon any new development of property.

B. Exceptions: The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements when, in the Public Works Director's determination, the construction of a sidewalk is impractical for one or more of the following reasons:

2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.

A 5' pedestrian walk is proposed along each side of the parking areas connecting the buildings. The abutting Ivy, 11th and 12th St. rights-of-way are not proposed to be constructed for vehicular traffic or traditional sidewalks. The 2012 Transportation Systems Plan calls for the installation of a pedestrian path within the 12th St. and Ivy St. right-of-way. The Ivy St. path was identified to connect 9th and 12th St. pedestrian amenities. This is in lieu of two vehicular travel lanes and two sidewalks.

The applicant proposes construction of sidewalks along the turn-around in the Ivy St. right-of-way connecting Blocks 6 and 7. Plans shall be submitted, reviewed and right-of-way permit issued prior to their construction. **(Condition 6)**

The applicant installed the 12th St. pedestrian path in 2005. Since that approval the Ivy St. pedestrian path was identified for connectivity.

The applicant shall construct the Ivy St. pathway along the portions which abut the Jerry Prater Apartment development and provide connection to the 12th St. bike path. Construction plans meeting city design standards shall be submitted to Public Works for review and approval prior to any site work is started. The installation shall be completed within a timeline established by the Public Works Director. **(Condition 6)** These criteria are met with conditions.

10-35-3-2: Site Layout and Design. To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A - C, below:

A. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.

B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets,

C. Connections Within Development. Connections within developments shall be provided as required in subsections 1 - 3, below:

1. Walkways shall be unobstructed and connect all building entrances to one another to the extent practicable, as generally shown in Figure 10-35(5);
2. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and
3. For large parking areas with 80 or more parking spaces and depending on the layout of the parking lot, the City may require raised walkways a minimum of 5 feet wide to provide pedestrian safety.

The site plan provides a continuous walkway system along the driveway between buildings, and into the courtyard and storage unit areas. Connectivity to Hemlock St. is provided through a perpetual "easement" granted to Jerry Prater in the Whispering Pines CCRs.

10-35-2-12: Driveway Design. All openings onto a public right-of-way and driveways shall conform to the following:

A: Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street.

B: Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:

3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.

Driveways are reviewed earlier in the staff report. The improvements for the Ivy St. turnaround will require a public infrastructure permit to be submitted, reviewed and approved.

10-35-4: Transit Facilities. Proposed uses other than single-family residences and duplexes must provide for transit riders by providing developmental improvements to accommodate current or planned transit stops pursuant to the following:

A. If the proposed uses are located on a site within ¼ mile of an existing or planned transit stop, the proposed pedestrian circulation system must demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

The nearest transit stop is located on 9th St. Continuous pedestrian access is provided via 5' wide sidewalks to Hemlock St. then south along Hemlock St. to 9th St. The site plan as proposed meets this criterion.

FCC TITLE 10: CHAPTER 13, MULTI-FAMILY DISTRICT (*CONTINUED*)

G. Public Facilities: Refer to Section 10-36 of this Title for requirements. The developer of a multiple family dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity utilities required to serve the building site.

FCC TITLE 10: CHAPTER 36, PUBLIC FACILITIES

10-36-2-1: Development Standards. The following standards shall be met for all new uses and developments:

D. All new public streets and alleys shall be paved per the City of Florence Standards and Specifications document. Alleys may also be improved with porous concrete, porous asphalt, permeable pavers such as turf concrete, brick pavers or other materials approved by the City. The City does not maintain alleys.

The applicant was conditioned in the 2005 Whispering Pines approval to construct a fire equipment turnaround within the Ivy St. right-of-way, which he proposes to construct during this project. The proposed development abuts Ivy, 11th and 12th Sts. No vehicular infrastructure improvements are proposed for these rights-of-way. The previous approval required the applicant to construct half street improvements within the 11th St. right-of-way if tax lot 500 was not acquired. The applicant has since acquired the lot. The applicant installed the 12th St. pedestrian path as part of the last approval. Since that approval the Transportation Systems Plan identified Ivy St. right-of-way as the north south connection to the 12th St. development. The applicant does not propose any vehicular access to or from streets other than Hemlock St. The applicant is

proposing 24 new units. The applicant, as conditioned elsewhere, shall construct the Ivy St. pedestrian path along the development's property lines.

10-36-3: SANITARY SEWERS, WATER, STORMWATER, AND FIRE PROTECTION

B. Sewer, Water, and Stormwater Plan Approval. Development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or their designee has approved all stormwater, sanitary sewer and water plans in conformance with City standards, and Florence Code Title 9 Chapters 2, 3 and 5.

Public Works reviewed the utility plans for Jerry Prater Apartment Development and provided comments. The utilities are already installed throughout the development to include the undeveloped portion. Public Works has asked that pre-treatment of the stormwater be accommodated if possible for the parking and vehicular travel area. The city has adopted new stormwater policies since the Whispering Pines approval. Title 9 Chapter 5 Stormwater Management provides exceptions to the developments for which there is already an approved utility plan. Whispering Pines water, sewer and stormwater and the street grading was approved and installed over 8 years ago. The stormwater infiltration chambers for the buildings have not been installed. The applicant shall not place stormwater infiltration chambers within the public right-of-ways. The applicant shall incorporate the comments from Public Works regarding utilities into the development to the greatest extent possible. **(Condition 7)**

FCC TITLE 10: CHAPTER 13, MULTI-FAMILY DISTRICT (CONTINUED)

H. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

The applicant is not proposing signage.

I. Open Space: Multiple-family developments of four (4) or more units shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:

- 1. Not less than ten feet (10') in width or depth at any point.**
 - 2. Located on land with less than a five percent (5%) slope.**
 - 3. Cleared sufficiently of trees, brush and obstructions so that recreational use is possible.**
 - 4. Not used for temporary or regular parking of automobiles or other vehicles.**
 - 5. Includes at least one hundred (100) square feet of area for each dwelling unit.**
- (Ord. 625, 6-30-80)**

Block 6 (labeled Phase 3) of the development is the only portion subject to these criteria. The Block 6 landscape plan illustrates open space 10' wide and 200 sq. ft. in dimension at the rear of each lot. The area includes a 25 sq. ft. patio and is not located

on a slope greater than 5%. It is proposed to be landscaped but not significantly permitting more active recreational use of the area. The criteria are met.

J. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

FCC TITLE 10: CHAPTER 34, LANDSCAPING

10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.

A. Landscaping shall include planting and maintenance of the following:

- 1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.**
- 2. Six shrubs per 30 lineal feet as measured along all lot lines that are adjacent to a street.**
- 3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.**
- 4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.**
- 5. Pocket-planting with a soil-compost blend around plants and trees shall be used to ensure healthy growth.**

B. Noxious Weeds shall be removed during site development and the planting of invasive or noxious weeds is prohibited.

Trees: Blocks 6 & 7 (labeled Phases 3 & 2 respectively) have lot lines adjacent to the Ivy St. right-of-way that are 260' linear feet. 75' of this length is made up of driveway and sidewalks. This leaves 185 linear feet. At one tree per 30 linear feet 6 trees are required along each side of Ivy St. The Block 6/Phase 3 landscape plan proposes two trees along Ivy St. and the Block 7/Phase 2 landscape plan call for four trees along Ivy St. The applicant shall install two additional trees along Ivy St. within Block 6/Phase 3 and two additional trees along Ivy St. for Block 7/Phase 2. Blocks 6 & 7 property lines along 11th and 12th Streets both have 120' of linear feet, requiring four trees for each phase along those rights-of-way. Both landscape plans illustrate four trees meeting the tree planting criteria.

Shrubs: Blocks 6 & 7 have lot lines adjacent to the Ivy St. right-of-way that are 260' linear feet. 75' of this width is made up of driveway and sidewalks. This leaves 185

linear feet to calculate the required number of shrubs. At six shrubs per 30 linear feet 37 shrubs are required along each side of Ivy St. The landscape plans propose 25 shrubs along Ivy St. Additionally, the Block 7/Phase 2 landscape plan proposes to plant the Ivy St. right-of-way with multiple shrubs. Twelve additional shrubs are required on the project site along each side of Ivy St. The applicant may want to move some of the proposed Ivy St. right-of-way shrubs to the meet the on-site Ivy St. criteria. The property lines along 11th and 12th Streets both have 120' of linear feet, requiring 24 shrubs for each phase along those rights-of-way. Both landscape plans illustrate 24 shrubs meeting the shrub planting criteria.

The applicant shall install 2 additional trees along Ivy St. within Block 6/Phase 3 and two additional trees along Ivy St. for Block 7/Phase 2. Twelve additional shrubs are required on-site along each side of Ivy St. **(Condition 8)**

FCC TITLE 10: CHAPTER 25, PROFESSIONAL OFFICE/INSTITUTIONAL

10-25-2: PERMITTED BUILDINGS AND USES: The following buildings and uses shall be permitted subject to the procedures and conditions set forth in Chapter 6 (Design Review) of this Title:

12. Medium and high density residential in all Sub Areas excepting Sub Area 2.

Block 7 of the proposed project is in Sub Area 1.

10-25-4: DEVELOPMENT STANDARDS:

A. Minimum lot area: The minimum lot area shall be 15,000 square feet.

The portion of the project in Block 7 includes lots 6, 7, 8, 9, & 10 and comprises 15,600 sq. ft. This meets the requirement that the lot area shall be 15,000.

B. Minimum lot dimensions: The minimum lot width shall be 100 feet.

The lots of Block 7 included in this project are 120' by 130' bordering on 11th and Ivy Sts, respectively. The narrowest frontage is along 11th St. The 120' lot width meets the minimum 100' criterion.

D. Minimum yard requirements:

- 1. Front yards and street side yards shall be a minimum of 20 feet.**
- 2. Side yards, and rear yards abutting a residential district shall be fifteen (15) feet. Otherwise, no side or rear yard is required.**
- 3. Zero lot line developments shall be considered as part of a planned unit development pursuant to Chapter 23 of this Title.**

The applicant is not proposing a zero lot line development therefore criterion 3 does not apply.

The 2004 Whispering Pines approval of which this property was originally part of established the front yard of the development to be along Hemlock St. where a 20' setback was proposed. An exception was granted in 2004 for the 20' setback along 11th St. due to topographical issues and 12th St. due to the plan for a pedestrian path and no vehicular traffic. The 2004 approval established that the 15' side yard abutting Park Village a residential district was not necessary since 12th St. was between the proposed development and Park Village and 12th St. was not to be constructed with a vehicular traffic system.

These design situations have not changed. However, the project is no longer proposed to be part of the Whispering Pines project.

This review identified the front yard to be along 11th St. The rear yard is the northern lot line of lot 6 of Block 7. The side yards are along Ivy St. and the western alley. The buildings located in Block 7 have 5', 10', 20', and 42.5' setbacks from the western alley, 11th St., Ivy St., and interior lots lines respectively. In keeping with the precedence already set the 20' 11th St. front yard and Ivy St. side yard would be waived. The project does however meet the 20' setback along Ivy St. No setbacks are required along the western side yard or northern rear yard since they do not abut a street or residential district. These criteria are met.

E. Height limitations: The maximum building or structure height shall be twenty-eight (28) feet.

All buildings are proposed to have a maximum height of approximately 23', and therefore meet the height criteria.

F. Landscaping and Visual Buffers: Refer to 10-34 of this Title for requirements.

- 1. Except where the entire area between a street and a building is landscaped, a minimum of three (3') feet high landscaped berm, hedge, natural vegetation or dense landscaped planting shall be provided along the street frontage.**
- 2. A minimum of fifteen (15%) percent of the developed site shall be landscaped, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.**
- 3. Ten (10') foot setback along the property adjacent to Greentrees.**

The proposal is not adjacent to Greentrees so criterion 3 does not apply. The applicant submitted landscape plans for both blocks/phases which propose 25% landscaping which meets the minimum 15% requirement. The areas between buildings and rights-of-way are proposed to be landscaped meeting criterion 1. The plans contain Wax Myrtle trees planted 25-30 feet on center within 11th St. and 12th St. rights-of-way. The remainder of the landscaping consists of a mixture of native Azalea, Huckleberry, and Rhododendron, grass, flowering plum, and Mt. Fuji Cherry. Bark mulch is the proposed ground cover. This is the same planting scheme approved under Phase 1 of whispering Pines.

G. Parking shall be in accordance with Chapter 3 of this Title.

See earlier discussion and review of criteria.

H. Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

No signs are proposed. Staff does however recommend signage to distinguish between Whispering Pines and this development.

I. Screening: Any trash or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum of five (5') feet high solid screening wall of the same or compatible materials as the building, with a solid wood or metal gate. Chain link fencing with slats is not acceptable. Colors of these elements shall be compatible with the theme of the building.

The applicant proposed a trash enclosure in Block 7 (southern portion of Phase 2). The enclosure is proposed to be constructed of 5' high cedar fencing meeting the design criteria. The applicant shall ensure the trash enclosures are not constructed in the right of way. In accordance with state and city code recycling containers shall be furnished and stored in the trash enclosure.

To reduce future conflicts the trash enclosure located in the northern portion of Phase 2 shall be signed for use of Whispering Pines residents and the enclosure in the southern portion of Phase 2 (Block 7) shall be signed for use of Jerry Prater Apartments (or whatever name is given to the development) **(Condition 9)**.

J. Access and Circulation: Refer to Section 10-35 of this Title for Requirements.

K. Public Facilities: Refer to Section 10-36 of this Title for Requirements.

These criteria were reviewed earlier in the report.

10-25-5: DESIGN CRITERIA

A. Buildings shall generally relate in scale and design features to the surrounding buildings. All visibly exposed sides shall be attractively detailed with regard to style, materials, colors and details. Building wall offsets, including projections, recesses and changes in floor level shall be used in order to add architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

The proposed development is bordered by the undeveloped 11th and Ivy Streets. Currently all surrounding properties are vacant. The two story smallish 4 unit buildings are scaled appropriately for the adjacent Park Village development and will match the existing Whispering Pines development already constructed. The proposed buildings are two-story with no off-sets and are modestly detailed with some variety in the roof line. Each of the buildings is architecturally the same. The color scheme will match the Whispering Pines buildings' gray with white trim. Each storage unit will be

painted with similar colors. Each of the 8 units (24 total) is proposed to have a back patio. Storage units have been proposed at the end of each courtyard. Building height was not submitted for the storage units. Building permit applications shall include the storage unit building height. The storage units shall be painted to coordinate with the units. **(Condition 10).**

B. Buildings on corner lots shall be considered especially significant structures, since they have at least two front facades visibly exposed to streets. Such buildings shall be designed with additional architectural detail and embellishments to emphasize their significant location.

This proposal has one building corner situated at the undeveloped intersection of Ivy St. and 11th St. and another at the corner of Ivy St. and 12th St. Neither is visibly exposed to streets but rather the pedestrian paths. As mentioned earlier the applicant proposed the same architectural style for each of the buildings. All of the walls situated at the corners have a gabled roof line and either windows or doors.

C. Buildings facing internal open space or in public view shall be architecturally emphasized through window treatment, entrance treatment, and details. Blank walls or service area treatments of side and/or rear elevations visible from the public viewshed are prohibited.

The elevations illustrate roof treatments to each of the perimeter dwelling doors. The courtyard doors are situated under a shared roof for each of the buildings. There are windows along the walls facing the parking and private drive area. The window plans show two styles of windows, those with mullions and those without. The applicant proposes courtyards between the groups of buildings. There are no blank walls proposed for this development.

D. Architectural embellishments that serve a function and add visual interest to roofs, such as dormers, masonry or wood chimneys, cupolas, towers and other similar elements are encouraged.

The applicant has proposed gabled roof lines. The gable faces are proposed to be sided with shingles siding and offset from the building face around two feet. No additional embellishments are proposed.

E. Facades shall be lit from the exterior and lights shall be concealed through shielding, or recessed behind architectural features. Low pressure sodium, fluorescent or mercury vapor lighting either attached to buildings or used to light the exterior of buildings or parking shall be prohibited. Mounting brackets and associated hardware must be inconspicuous.

The applicant submitted a lighting plan and illumination field plan for the common area parking lot lights. No building lighting was provided. All outdoor lighting shall be shielded so that illumination is located below the horizontal plan of the lowest part of the

blub. Lighting shall be directed downward and away from adjoining property, streets, and alleys. There will be no illumination beyond the site boundaries. **(Condition 5).**

F. All HVAC systems, exhaust pipes or stacks, satellite dishes or other telecommunications receiving devices shall be thoroughly screened from view from both the public right-of-way and adjacent properties by using walls, fencing, roof elements, or landscaping, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516. Such screening devices shall be compatible with building materials and/or adjacent area landscape treatments.

The applicant does not indicate any of the above on the elevations or landscape plan. The applicant shall ensure during development that all mechanical and telecommunications equipment are screened and communicate this requirement in lease agreements and to any future unit purchasers. **(Condition 11).**

FCC TITLE 10: CHAPTER 21, PUBLIC USE AIRPORT ZONE

10-21-2-6: PROCEDURES: An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Planning Department shall provide the applicant with appropriate base maps upon which to locate the property.

B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

C. If a height variance is requested, letters of support from the airport sponsor the Department of Aviation and the FAA.

The applicant provided the elevation profile and site plan and certification from an engineer verifying the survey points for the items required above. The project at its highest point (the highest roof point of the most northeast building in Block 6) was found to be located at 66 ft. National Geodetic Vertical Datum of 1929. A maximum of 71 ft. NGVD 1929 is permitted in this same location.

10-21-2-7: LAND USE COMPATIBILITY REQUIREMENTS: Applications for zone changes and land use for properties within the boundaries of this overlay zone shall comply with the requirements of ORS 836 and this chapter as provided herein. Building permits shall also be required to conform to the requirements of this chapter.

The subject site is located within the transitional surface of the airport. This area is roughly defined at the area that extends a distance of 5000 feet, measured horizontally from the edge of the approach zone. In this district, notice is not required for those land uses that include structures of less than 35 feet in height. Regardless, the applicant provided notice to the FAA and Department of Aviation. To ensure that future development does not exceed these requirements by erecting flagpoles, towers, spires, etc, the maximum allowed height for this development for any of the aforementioned or similar items shall be 35 feet.

A. Noise. The Noise Contour Map for the Florence Municipal Airport is included in the Florence Municipal Airport, Airport Master Plan Update Final Report, February 2010 – Figure 8-1: Noise Contours, which is incorporated herein, and which shall remain on file in the Florence Community Development Department. Within the airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 DNL, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 DNL.

B. Outdoor Lighting. No new or expanded industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

C. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

D. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations

to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

E. Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security may be required to ensure this result.

F. Use Prohibitions in RPZ. Notwithstanding the underlying zoning, the following uses are prohibited in the RPZ.

1. New residential development.

G. Landfills.

H. FAA Form 7460-1. Prior to Design Review approval, applicant shall consult with the FAA Seattle Airports District Office to determine if completion of FAA Form 7460-1 – Notice of Proposed Construction or Alteration is required. If so, it shall be completed and reviewed by the Oregon Department of Aviation and the Federal Aviation Administration prior to approval of ground leases and issuance of building permits.

FCC 10-21 places this property in the Public Use Airport Safety and Compatibility Overlay Zone. This includes location within the Airport Noise Impact Boundary and Transitional Surface. However, the project site is not located within the area of the approach surface. A declaration of anticipated noise levels shall be attached to any deed and CCR's. Since the development is within the noise footprint that identifies the area at or above the 55 DNL, a noise abatement strategy must be included within the development. Prior to issuance of a building permit, the applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level of equal to or less than 55 DNL. Additionally the applicant shall ensure the use does not imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting. The building materials shall not include any exposed glare producing materials. The applicant shall ensure the proposed use complies with FCC 10-21-2-7. **(Condition 12).**

FCC 10-21-2-11: Avigation Easements

Within this overlay zone, the FCC states that the owners of properties as a condition of obtaining approval of permits shall dedicate an avigation easement to the airport

sponsor. The avigation easement shall be in a form acceptable to the airport sponsor and shall be signed and recorded in the deed records of the County at the expense of the applicant. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport public. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits. **(Condition 13)**

FCC TITLE 10: CHAPTER 6, DESIGN REVIEW

10-6-5: General Criteria: The Design Review Board may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter...The Board shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following: (Ord. 680, 1-11-83)

A. Visual buffers, setbacks, yards, coverage, height, density and similar design features.

Visual buffers, setbacks, yards, coverage, height, and similar design features have been discussed in section 10-25 & 10-13 above.

B. Lot area, dimensions and percentage of coverage.

Lot area, dimensions and percentage of coverage have been discussed in section 10-25 and 10-13 above.

C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.

Landscaping and screening are reviewed earlier in the report. Other than the trash enclosures the site plans do not include fencing or walls. It is observed that a chain link fence presently exists near the most eastern portion of the project. This fence shall be removed or relocated to accommodate vehicular ingress and egress. (Condition 14)

10-34-3-7: Buffering and Screening. Buffering and screening are required under the conditions listed below (Criteria A-D.) Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with FCC 10-35-2-13.

The buffering for parking and maneuvering areas was discussed earlier. The parking is adjacent to the buildings and is separated with a pedestrian walkway. No outdoor storage, mechanical equipment or manufacturing is proposed. These criteria are met.

10-34-5: FENCES AND WALLS: Construction of fences and walls shall conform to all of the following requirements: A-F

Fences and walls were addressed earlier.

Title 10-6 DESIGN REVIEW (continued)

D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.

Access and egress is discussed earlier in the report.

E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.

Criteria related to the Public Use Airport Overlay zone are discussed earlier in the report.

Title 10-6 DESIGN REVIEW (continued)

F. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.

Parking is discussed above. Applicant proposes no outside display areas. Traffic circulation is internal and is dimensionally adequate for the development.

Title 10-6 DESIGN REVIEW (continued)

G. Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.

H. Color, building materials and exterior appearance in accordance with the policies established by the City in the Downtown Implementation Plan, and in applicable zoning districts.

These criteria are discussed earlier in the report.

I. Exterior lighting and security.

Lighting is discussed earlier in the report.

J. Public health, safety and general welfare.

Staff has reviewed the public health, safety and general welfare in other parts of this report and has either made positive findings or conditions. No other public health, safety, or general welfare concerns are found.

K. Requiring a time period within which the proposed use or portions thereof shall be developed.

The design review approval remains valid for one year from the date of the Planning Commission's approval. If construction does not begin within the period specified, the applicant must return to the Planning Commission for an extension of time.

L. Requiring bonds to insure performance of special conditions. (Ord. 625, 6-30-80)

Staff finds that no bonds to insure performance of special conditions are needed. The Ivy St. pedestrian path shall be completed prior to issuance of a final inspection for the first building permit applied for. **(Condition 6)**

M. Such other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan. (Ord. 680, 1- 11-83)

Realization 2020 Florence Comprehensive Plan:

Chapter 2: Land Use:

Block 6 of the project is plan designated Medium Density and zoned Multi-Family District. There are no specific policies requiring the properties to be constructed to the new plan designation or rezoned to comply. This burden rests with the City for which there is no policy setting a timeframe for rezone to occur. The Land Use Board of Appeals under case number 99-036 dismisses the requirement to develop in accordance with the plan designation.

Chapter 12: Transportation, Policies:

7. Development within a City right-of-way, including but not limited to excavation, clearing, grading, utility placement, culvert placement or replacement, other stormwater facilities, and construction or reconstruction of road or driveway approaches, is allowed only upon approval of a city permit.

Public access improvements are addressed under Public Facilities above (FCC 10-36). All developments are required to provide improved vehicular and pedestrian access upon a right-of-way. If an alley is the chosen vehicular access then it is required to meet minimum improvement standards. Sidewalks are required as part of this development and the applicant proposes them within the Ivy St. turn-around and along each of the building frontages adjacent to the parking lots.

8. The City shall protect the function of existing and planned transportation systems as identified in the TSP through application of appropriate land use and access management techniques.

The only planned transportation system affected by this development in the Ivy St. pedestrian path. The application has been reviewed and the approval conditioned to protect access and encroachment from the development on the pedestrian path.

11. The City shall provide an inter-connected trail system as directed in Comprehensive Plan Chapter 8 policy and shown in the TSP Project Maps.

The applicant is proposing a 24-unit development with two bedrooms per unit. Bicycle parking is required to be provided. There will be a demand for access. The Ivy St. bike path is discussed above and conditioned for development.

27. Bicycle parking facilities shall be provided as part of new development at places of employment, businesses, multi-family residential developments and at public buildings.

The site plan provides on-site parking bicycles meeting the criteria for the applicable code provisions.

No other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan are needed.

VI. ALTERNATIVES

- 1. Approve the application based on the findings of compliance with City regulations.**
- 2. Modify the findings, reasons or conditions, and approve the request as modified.**
- 3. Deny the application based on the Commission's findings.**
- 4. Continue the Public Hearing to a date certain if more information is needed.**

VII. CONCLUSIONS AND RECOMMENDATIONS

Staff finds that the proposed application meets the requirements of City Code with conditions, and recommends approval of the design review subject to the following conditions.

VIII. CONDITIONS OF APPROVAL

The application, as presented, meets or can meet applicable City codes and requirements, provided that the following conditions of approval are met.

1. Approval for shall be shown on:

- "A" Findings of Fact
- "B" Site Plan
- "C" Elevations
- "D" Floor Plans
- "E1 & E2" Landscape Plans Phases 2 & 3
- "F" Street Utility Plan
- "G" Applicant Letter 10-1
- "H" Applicant Letter 9-12
- "I" Application
- "J" Lighting Plan

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision. Any modifications to the approved plans or changes of use, except those changes relating to Building Codes, will require approval by the Planning Director or Planning Commission/Design Review Board.

2. Regardless of the content of material presented for this Planning Commission, including application text and exhibits, staff reports, testimony and/or discussions, the applicant agrees to comply with all regulations and requirements of the Florence City Code which are current on this date, EXCEPT where variance or deviation from such regulations and requirements has been specifically approved by formal Planning Commission action as documented by the records of this decision and/or the associated Conditions of Approval. The applicant shall submit to the Community Development Department a signed "Agreement of Acceptance" of all conditions of approval prior to issuance of a building permit.
3. The applicant shall apply and receive approval of a Private Use of Public Right-Of-Way Permit for the Block 6 ADA access aisle encroachment into the Ivy Street right-of-way and for the access aisle extension needed to serve parking space Number 73. The width and depth of the extension shall be approved by the Public Works Director.
4. To meet the 5' landscape parking buffer requirement the applicant shall indicate and reserve 570 sq. ft. of landscaped area on the landscape plan not otherwise required to meet the landscape or open space requirements.
5. All lighting shall meet 10-3-8-G. All outdoor lighting shall be shielded so that illumination is located below the horizontal plan of the lowest part of the blub. Lighting shall be directed downward and away from adjoining property, streets, and alleys. There will be no illumination beyond the site boundaries.

6. Construction plans meeting city design standards shall be submitted to Public Works for review and approval prior to any site work being started. Sidewalks along the Ivy St. turn-around are required. The Ivy St. pedestrian path shall be constructed along the portions of the project abutting the Jerry Prater Apartment development and provide connection to the 12th St. bike path. Construction of the public improvements shall be completed prior to final inspection and issuance of a certificate of occupancy for the first building permit.
7. Stormwater infiltration chambers shall not be located within the public right-of-ways. The applicant shall incorporate the comments from Public Works regarding utilities into the development to the greatest extent possible.
8. The applicant shall install 2 additional trees along Ivy St. within Block 6/Phase 3 and two additional trees along Ivy St. for Block 7/Phase 2. Twelve additional shrubs are required on-site along each side of Ivy St.
9. Trash enclosures shall not be located or constructed in the public right of way. In accordance with state and city code recycling containers shall be furnished and stored in the trash enclosure. The trash enclosure located in the northern portion of Phase 2 shall be signed for use of Whispering Pines residents and the enclosure in the southern portion of Phase 2 (Block 7) shall be signed for use of Jerry Prater Apartments (or whatever name is given to the development).
10. Building permit applications shall include the storage unit building height. The storage units shall be painted to coordinate with the units.
11. The applicant shall ensure during development that all mechanical and telecommunications equipment are screened and communicate this requirement in lease agreements and to unit purchasers.
12. A declaration of anticipated noise levels shall be attached to any deed and CCR's. A noise abatement strategy must be included within the development. Prior to issuance of a building permit, the applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level of equal to or less than 55 DNL. Additionally the applicant shall ensure the use does not imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting. The building materials shall not include any exposed glare producing materials. The applicant shall ensure the proposed use complies with FCC 10-21-2-7.
13. The applicant as a condition of obtaining approval of permits shall dedicate an aviation easement to the airport sponsor. The aviation easement shall be in a form acceptable to the airport sponsor and shall be signed and recorded in the deed records of the County. The aviation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport public. Property

owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

14. The easterly chain link fence shall be removed or relocated to accommodate vehicular ingress and egress for parking space 73.

Informational

1. The applicant shall confirm there is enough water flow and all new buildings must meet new building code requiring sprinklers for multi-family residences.

IX. EXHIBITS

"A" Findings of Fact
"B" Site Plan Revision 6
"C" Elevations
"D" Floor Plans
"E1 & E2" Landscape Plans Phases 2 & 3
"F" Utility Plan
"G" Applicant Letter 10-1-14
"H" Applicant Letter 9-12-14
"I" Application
"J" Pat Reno Testimony, 10-15-14, 10-28-15
"K" Public Works Comments, 9-5-14, & 2-3-15
"L" Siuslaw Valley Fire and Rescue
"M" Whispering Pines Aerial
"N" Sub Area Map
"O" Airport Overlay
"P" W. 9 th St. Transportation Plan
"Q" Lighting Plan
"R" Zach Mittge testimony, November 7, 2014
"S" Pat Reno Testimony, November 7, 2014
"T" Greg Freeze, November 7, 2014
"U" Greg Freeze, January 6, 2015
"V" Mike McAllister, November 19, 2015 (Airport Overlay Exhibits)
"W" Tax Lot Map Blocks 6 & 7